

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE DOE,
Plaintiff,
v.
HENRY WIRTA, et al.,
Defendants.

Case No. [19-cv-00587-EMC](#)

**ORDER REVOKING PLAINTIFF'S *IN*
FORMA PAUPERIS STATUS**

Docket No. 20

Previously, Jane Doe was given leave to proceed *in forma pauperis* but this Court dismissed her complaint with leave to amend as part of its required review under 28 U.S.C. § 1915. In its order, the Court expressly warned Ms. Doe that failure to file an amended complaint by the deadline specified would result in an automatic dismissal of her case with prejudice. *See* Docket No. 13 (order adopting report and recommendation and dismissing complaint with leave to amend). Ms. Doe did not timely file her amended complaint. The Court therefore dismissed her amended complaint. However, because Ms. Doe was only one day late in filing, the Court went on to address whether Ms. Doe had adequately stated a claim for relief in the amended complaint. It concluded that she had not. *See* Docket No. 15 (order). Ms. Doe subsequently appealed.


Now pending before the Court is a referral from the Ninth Circuit in which it asks the Court to evaluate whether Ms. Doe's "in forma pauperis status should continue for [the] appeal or whether the appeal is frivolous or taken in bad faith." Docket No. 20 (order). The Court hereby finds that the appeal is frivolous, both because Ms. Doe's amended complaint was not timely filed and because Ms. Doe failed to state a claim for relief in the amended complaint (notably, repeating many of the deficiencies in her original complaint). The Court therefore **REVOKES** Ms. Doe's *in*

1 *forma pauperis* status.

2 The Clerk of the Court is instructed to immediately notify the Ninth Circuit of this order.

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4 **IT IS SO ORDERED.**

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6 Dated: July 24, 2019

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9 EDWARD M. CHEN
United States District Judge